

**REMARKS**

The above-referenced patent application has been reviewed in light of the Final Office Action, dated March 11, 2004, and the Advisory Action, dated June 9, 2004, in which: claims 1-4, 8-15, 25-27, 30-33, 37-38, 42-43, 45, 49-52, 57-73 are rejected under 35 USC 103 as being unpatentable over McLaughlin et al. (hereinafter, McLaughlin) in view of Howard et al. (hereinafter, Howard); claims 6-7, 18-19, 53 and 56 are rejected under 35 USC 103 as being unpatentable over McLaughlin and Howard further in view of Chavez et al. (hereinafter, Chavez); and claims 12, 28 and 39 are rejected under 35 USC 103 as being unpatentable over McLaughlin and Howard further in view of Kao. Reconsideration of the above-referenced patent application in view of the following remarks is respectfully requested.

Claims 1-4, 6-15, 25-28, 30-33, 37-39, 42-43, 45, 49-53, 56-73 are pending. No claims have been cancelled or amended. Claims 74-94 have been added.

It is respectfully asserted that the Examiner has misperceived Applicants' argument with respect to the cited patents. For example, the Examiner's comments in his Advisory Action suggest that he has perceived Applicants to be focusing on use of zone managers and/or use of dynamic allocation. However, Applicants have added claims 74-94 that recite none of these limitations. However, Applicants nonetheless maintain that these added claims patentably distinguish from the cited patents.

Applicants assert that, while such claim features may be sufficient to distinguish the rejected claims from the cited patents, the added claims patentably distinguish from the cited patents for other reasons as well. For example, claim 74 recites:

"said transceivers capable of determining, based at least in part on measurements of said wireless signals, preferred ones of said transceivers to provide particular dedicated channels for a particular

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mobile station separately from one of said transceivers to provide particular broadcast channels for said particular mobile station."

The above-referenced application teaches that the broadcast down-link channel may be separate from the dedicated down-link channel. See, for example, column 3, paragraph 36. However, none of the patents cited by the Examiner teach separation of down-link channels.

McLaughlin, for example, teaches aggregation of the up-link channel for better performance. Likewise, Howard teaches to select from the up-link channels to determine the best signal. In contrast, in one embodiment disclosed in the above-referenced patent application, for example, a separate dedicated channel is implemented based at least in part on the up-link signals, although, of course, the claimed subject matter is not limited in scope in this respect. This is merely an example to illustrate that the cited patents do not disclose the subject matter of the added claims. Thus, it is respectfully asserted that claims 74-94 are in condition for allowance. Favorable action by the Examiner in this regard is respectfully requested.

As noted above, the Examiner has rejected claims 1-4, 8-15, 25-27, 30-33, 37-38, 42-43, 45, 49-52, 57-73 under 35 USC 103 as being unpatentable over McLaughlin in view of Howard. This rejection by the Examiner is respectfully traversed. (It is noted that the Office Action refers to claim 46 as being rejected rather than claim 45 – it is assumed that this is an error because claim 46 has been withdrawn from consideration). It is respectfully asserted that these rejected claims patentably distinguish at least for similar reasons as those discussed above regarding added claims 74-94. It is therefore requested that the Examiner withdraw his rejection of these claims.

The Examiner has also rejected claims 6-7, 18-19, 53 and 56 on McLaughlin and Howard further in view of Chavez, and claims 12, 28 and 39 on McLaughlin and Howard further in view of Kao.

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These rejections are also respectfully traversed. The remaining claims also distinguish from the cited patents at least on a similar basis as discussed above with respect to added claims 74-94. It is therefore requested that the Examiner withdraw his rejections of these claims as well.

### CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in this patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 629-7477. Reconsideration of this patent application and early allowance of all of the claims is respectfully requested.

If any additional fee is required, please charge Deposit Account No. 50-3130. A Fee Transmittal is enclosed in duplicate for deposit account charging purposes.

Respectfully submitted,



Dated:

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